

Revised 6/98
Corrected 2/29/00
Revised as of July 2, 2002

**FIRST RIDER TO
DECLARATION OF AFFORDABLE
DWELLING UNITS COVENANTS
(Multiple Family Rental Development)**

THIS FIRST RIDER TO DECLARATION OF AFFORDABLE DWELLING UNITS COVENANTS ("First Rider") is made as of the _____ day of _____, 20____, by _____ ("Declarant") the owner of certain property ("Property") located in Fairfax County, Virginia as described on Exhibit A attached hereto and made a part hereof.

RECITALS

R-1. On December 11, 1989 the Board of Supervisors of Fairfax County, Virginia established an Affordable Dwelling Unit Program, as modified on March 30, 1998, and as further amended by amendments to Part 8, Article 2 of the Fairfax County Zoning Ordinance that became effective on July 2, 2002 ("Program") to assist in providing affordable housing for persons with low and moderate income.

R-2. The Program is intended to be administered in accordance with Part 8, Article 2 of the Fairfax County Zoning Ordinance and the regulations established with respect thereto (the ordinance and the regulations, as the same may be amended from time to time, are collectively referred to hereinafter as the "Ordinance").

R-3. Declarant has agreed that in consideration of benefits conferred upon Declarant under the Ordinance and in compliance with Declarant's obligations under the Program, Declarant shall make available on the Property the number of affordable dwelling units ("Affordable Dwellings") for rental to qualified tenants as such Affordable Dwellings are

designated on that certain Declaration of Affordable Dwelling Units Covenants recorded on _____, in Deed Book _____, at Page _____, among the land records of Fairfax County, Virginia (“Original Declaration”).

R-4. The Ordinance establishes certain conditions, limitations and controls on the Affordable Dwellings that are to remain in effect with regard to rental and occupancy of each of the Affordable Dwellings for a period (the “Control Period”) beginning on the date the first residential use permit (the “First RUP”) was issued on the first available Affordable Dwelling until the date twenty (20) years thereafter; such latter date (“Control Period Expiration Date”) to be specified in this First Rider to be recorded on the Property after determination of such date; provided, however, that commencing as of the date ten (10) years after the First RUP is issued (such date being referred to herein as the (“Optional Control Release Date”), the owner of the Affordable Dwellings shall have the right (i) to file a rezoning application pertaining to the Affordable Dwellings and complying with whatever requirements result therefrom, or (ii) to pay the Fairfax County Housing Trust Fund an amount equivalent to the then fair market value of the land attributed to all bonus density and the land value of the Affordable Dwellings and provide relocation assistance to the tenants therein in accordance with Article IV of Chapter 12 of the Fairfax County Code and thereupon the Affordable Dwellings shall be released from the controls set forth in the Ordinance provided that the owner shall have given at least one hundred twenty (120) days advance written notice to the Fairfax County Redevelopment and Housing Authority (“Authority”) and to all of the tenants in the Affordable Dwellings and otherwise complied with all of the provisions as set forth in the Ordinance.

R-5. The First RUP on the first available Affordable Dwelling was issued on _____, which thereby results in the Control Period Expiration

Date occurring on _____, and the Optional Control Release Date occurring on _____.

R-6. In further compliance with the Ordinance under the terms of the Program, Declarant is making this First Rider as set forth below.

R-7. The Authority, as the entity responsible for enforcing certain rights under the Original Covenants and a necessary party to any modification thereof, is prepared to execute this First Rider for purposes of acknowledging the Control Period Expiration Date and the Optional Control Release Date.

NOW, THEREFORE, Declarant hereby declares as follows:

1. CONTROL PERIOD EXPIRATION DATE. The Control Period Expiration Date pertaining to the Affordable Dwellings on the Property is _____, representing the date twenty (20) years after the date the First RUP was issued with respect thereto.

2. OPTIONAL CONTROL RELEASE DATE. The Optional Control Release Date pertaining to the Affordable Dwellings on the Property is _____, representing the date ten (10) years after the date the First RUP was issued with respect thereto.

3. ORIGINAL DECLARATION REMAINS IN FULL FORCE AND EFFECT. Except as amended by the addition of this First Rider confirming the Control Period Expiration Date and the Optional Control Release Date, the Original Declaration remains unmodified and in full force and effect.

IN WITNESS WHEREOF, Declarant _____ has caused this First
Rider to Declaration of Affordable Dwelling Unit Covenants to be executed on behalf of
_____.

WITNESS:

DECLARANT:

By: _____

Print Name: _____

Title: _____

STATE OF _____

CITY/COUNTY OF _____: to-wit:

The foregoing instrument was acknowledged before me, a Notary Public in the State and
County aforesaid, in the _____ (city or county) of _____,
_____ (state), this _____ day of _____, 20____, by
_____ in his/her capacity as _____ of
_____.

_____(SEAL)

Notary Public

My Commission Expires: _____

The Fairfax County Redevelopment and Housing Authority has executed the foregoing First Rider to Declaration of Affordable Dwelling Unit Covenants for the purpose of acknowledging the Control Period Expiration Date and the Optional Control Release Date.

WITNESS:

AUTHORITY:
FAIRFAX COUNTY REDEVELOPMENT
AND HOUSING AUTHORITY

By: _____

Print Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA

COUNTY OF FAIRFAX : to-wit:

The foregoing instrument was acknowledged before me, a Notary Public in the State and County aforesaid, in the County of Fairfax, Virginia, this _____ day of _____, 20____, by _____ in his/her capacity as _____ of the Fairfax County Redevelopment and Housing Authority.

_____(SEAL)

Notary Public

My Commission Expires: _____

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